



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

STEVEN CARL THOMAS-WINFREY,	§	
	§	
Petitioner,	§	
	§	
vs.	§	CIVIL ACTION NO. 8:03-3783-HFF-BHH
	§	
STATE OF SOUTH CAROLINA;	§	
WARDEN ANTHONY; HENRY McMASTER,	§	
Attorney General of SC; and SC GENERAL	§	
ASSEMBLY,	§	
	§	
Respondents.	§	

ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE MAGISTRATE
AND GRANTING JUDGMENT FOR THE PETITIONER

This is a habeas corpus petition filed pursuant to 28 U.S.C. § 2254. Petitioner is proceeding *pro se*. The matter is before the Court for review of the report and recommendation (Report) of the United States Magistrate Judge in which she recommends that judgment be granted for Petitioner. The Report is made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *See Matthews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed her Report on July 28, 2005, and Respondents failed to file any objections to the Report. In the absence of such objections, the Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir.1985).

After a thorough review of the Report and the record in this case pursuant to the standards set forth above, the Court adopts the Report and incorporates it herein. Accordingly, the Court hereby orders that, pursuant to 28 U.S.C. § 2201, a declaratory judgment be entered that mandatory sex offender registration of Petitioner pursuant to S.C. Code Ann. §§ 23-3-400 to 23-3-490, by reason of his five 1992 kidnaping convictions, violates Article I, Section 10 of the United States Constitution. Further, the Court grants Petitioner leave to seek enforcement of this judgment by injunction under 28 U.S.C. § 2283.

IT IS SO ORDERED.

Signed this 19th day of August, 2005, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE